

REMARKS

The Office Action requires election of an invention from the groups set forth in the table below. The subject matter of each group and the claims readable thereon as provided in the Office Action is listed.

GROUP	SUBJECT MATTER	CLAIMS READABLE ON GROUP
I	drawn to a skin conditioner	23-47
II	drawn to a method of treating atopic dermatitis	48
III	drawn to a method of treating skin in need of moisturization	49
IV	drawn to a method of treating skin in need of restoration of barrier mechanism and formation thereof	50

GROUP	SUBJECT MATTER	CLAIMS READABLE ON GROUP
V	drawn to a method of treating skin in need of conditioning of the corneal layer of the epidermis	51
VI	drawn to a method of treating skin in need of conditioning epidermal keratocytes	52
VII	drawn to a method of treating skin in need of conditioning the epidermis	53

Additionally, the Office Action requires election of one species from each of the following three groups of species as follows: Species group A, drawn to the compounds listed in claim 23; Species group B, drawn to moisture retention agents (see claim 40); and Species group C, drawn to the drugs listed in claim 42.

Applicants elect Group I, drawn to a skin conditioner. Claims 23-47 read on the elected Group.

Applicants elect species as follows: From Species Group A (claim 23) ethanolamine is elected; from species Group B (claim 40) 1,3-butyleneglycol is elected; and from species Group C (claim 42) antiphlogistic agent is elected. Claims 23-47 read on ethanolamine; claims 39 and 40 read on 1,3-butyleneglycol; and claims 41 and 42 read on antiphlogistic agent.

Applicants traverse the restriction requirement as being premature. The Office Action does not indicate any claims directed to fewer than the species under Species Group A, Species Group B, or Species Group C. Furthermore, the Office Action does not indicate and explain that the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search would be necessary to search the entire scope of the claim. Thus, since only generic claims are presented regarding Species Groups A, B, and C, restriction of species cannot be required at this time pursuant to MPEP § 808.01(a).

Accordingly, reconsideration of the restriction requirement and favorable action on the merits of this application are respectfully requested.

Applicant respectfully requests a five month extension of time for responding to the Office Action. **The fee of \$1080.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
Jordan and Hamburg LLP

By C. Bruce Hamburg
C. Bruce Hamburg
Reg.No. 22,389
Attorney for Applicants

Bx and,

By Ricardo Unikel
Ricardo Unikel
Reg. No. 52,309
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340